

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of: §  
**BILL L. DAVIS and JESSE S. WILLIAMSON** §  
§  
For Reissue of U. S. Patent 5,630,363 § Group Art Unit: \_\_\_\_\_  
Issued May 20, 1997 §  
Serial No. 08/515,097 §  
§  
Filing Date: May 20, 1999 § Examiner: \_\_\_\_\_  
§  
Serial No.: \_\_\_\_\_ §  
§  
For: **COMBINED LITHOGRAPHIC/** §  
**FLEXOGRAPHIC PRINTING** §  
**APPARATUS AND PROCESS** §

REISSUE DECLARATION

TO: The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

SIR:

Petitioners, (1) Bill L. Davis, of 1126 Tipton Road, Irving, Texas 75067; and (2) Jesse S. Williamson, of 5738 Caruth, Dallas, Texas 75209, declare that:

1. We verily believe ourselves to be the original, first and sole inventors of the invention described and claimed, and of the discovery described, in U.S. Patent 5,630,363 and in the specification thereof, and for which invention and discovery we solicit a reissue patent.

2. Petitioners verily believe that, because of what might be deemed errors in the specification and claims of U.S. Patent 5,630,363, that said '363 patent might be inoperative or invalid (a) by reason of Petitioners claiming in some instances more, and in some instances less, than they had a right to claim in the '363 patent, or (b) for the reason that the '363 claims might be interpreted as failing to particularly point out and distinctly claim the subject matter which the undersigned Petitioners regard as their invention. There also exists certain errors in the

REISSUE DECLARATION

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specification including, but not limited to, minor stenographical errors. Petitioners declare that all of these errors sought to be corrected arose through their unfamiliarity with U. S. patent practice, and/or through inadvertence, and were all without any deceptive intention. Petitioners seek to correct these errors through amendments to their specification and claims, and endorse the amendments set forth in Exhibit "A" hereto.

3. Petitioners are informed that under 37 C.F.R. § 1.56(a) that a duty of candor and good faith toward the United States Patent and Trademark Office ("Office") rests on the inventors, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation of prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. Reissue petitioners are now further aware that all such individuals have a duty to disclose to the Office information that each is aware of which is material to the examination of the application and that such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. Reissue petitioners further understand that the duty is commensurate with a degree of involvement in the preparation or prosecution of the application. Reissue petitioners are now informed that the duty of disclosure may extend to their own activities prior to the filing date of the application leading to the '363 patent.

4. Petitioners further declare that their '363 patent specification teaches a combined lithographic/flexographic process having a plurality of successive printing stations for depositing a series of thin, controlled layers of ink or coatings, including, but not limited to, printing color images, on one or both sides of a substrate in a continuous in-line process. In one embodiment of the method of their invention, one of the stations prints a first color image using the flexographic process, and at least one of the successive printing stations prints a second color image over the first color image using an offset lithographic process in the continuous in-line process. Consistent with the teachings in their specification at col. 2, lines 49-58, reissue

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applicants teach specifically that in offset lithography, "many sheet fed presses can perfect (print both sides of the paper) in one pass through the press."

5. Petitioners have noticed several potential errors are found in the '363 patent. First, Petitioners further declare that in one embodiment of their invention, the reverse side of the substrate may be printed subsequently by lithography and subsequently coated. Petitioners believed as of both the filing of their application and the issuance of the '363 patent that the independent and dependent claims clearly covered such an embodiment. Petitioners believed that to one of ordinary skill in the printing art, the language of printing "over" the substrate (see col. 5, lines 29 and 43), as well as other uses in the specification of the term "over" (e.g., col. 5, line 38 and col. 6, line 3), clearly taught one of ordinary skill in the printing art that the reverse side of the substrate may also be printed and coated in the continuous in-line lithographic/flexographic process described in the '363 patent. Petitioners did not appreciate, both as of the time of the filing of this application and at the time the '363 claims as issued were presented and allowed, that their method and apparatus having the term "over" might be interpreted (actually misinterpreted) so as not to include the alternative of the reverse side of the substrate being printed by offset lithography and coated. Such error, if it occurred, was inadvertent and without deceptive intent. Petitioners did not contemplate that absent dependent claims, such as claims 42-43 newly presented, or claims such as the new claims in the alternative tracking specifically the language of col. 2, lines 54-55 with the limitation of printing on the reverse side of the substrate, such a misunderstanding could occur. Accordingly, Petitioners now seek by way of this application for reissue to add claims 42-84 to eliminate any ambiguity in the coverage of those claims so that the claims clearly provide that the continuous in-line lithographic/flexographic process of the '363 patent can include perfection, e.g., on a perfector press.

6. Second, Petitioners further notice the errors in independent method claim 29, containing the term "on top of" in the last step (col. 11, line 54) and in related dependent claim 34, containing the broader term "over" (col., 12, line 6). Hence the dependent claim is broader

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than the claim it depends on. Such errors render claim 29 partially inoperable, and claim 34 potentially invalid. Such errors were inadvertent, and occurred without deceptive intent, for which reissue applications seek correction.

7. Third, Petitioners are concerned that certain of their claims, e.g., claim 1, may be misunderstood as limiting the interpretation of the term "image" to ink, and worse yet, a color ink. Consistent with the specification, e.g., col. 1, lines 18-25; col. 4, lines 12-13; col. 6, lines 46-47, newly presented claims 44-84 require that surfaces at each station be deposited with layers of ink or coating materials so that any ambiguity is avoided.

8. Stenographic errors occurred in the original patent in the spelling of "Pantone" under "Other Publications" listed as prior art, and of the spelling of "flexographic" at col. 1, line 20. Both errors occurred inadvertently and without deceptive intent.

9. With respect to each of claims 1-41, as amended, and new claims 42-84, we declare that we believe we are the original first and joint inventors of the subject matter therein claimed and for which a reissue patent is sought on the invention set forth in the attached specification entitled COMBINED LITHOGRAPHIC/FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS, a copy of which amended specification is attached hereto as Exhibit "A"; we hereto state that we have reviewed and understand the contents of this amended specification, including the amended and new claims. As indicated above, we acknowledge our duty to disclose any and all information which is material to examination of this reissue patent application in accordance with 37 C.F.R. § 1.56(a). We further declare that we do not know and do not believe that said invention was ever known or ever used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or patented or described in any printed publication more than one year before the filing date of the first application leading to the '363 patent; or in public use or on sale in the United States of America more than one year prior to the date of the first application leading to the '363 patent; further, that said invention has not been patented or made the subject to any inventor's certificate issued before the filing date of the first application


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leading to the '363 patent in any country foreign to the United States of America on any application filed by me or our legal representative or assigns more than twelve (12) months prior to the filing date of said first patent application in the United States of America, and has not been abandoned.

The undersigned Petitioners declare further that all statements made herein of Petitioners' own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any reissue patent issuing thereon.

  
\_\_\_\_\_  
Bill L. Davis

  
\_\_\_\_\_  
Jesse S. Williamson

Date: May 20, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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                  **BILL L. DAVIS and JESSE S. WILLIAMSON** §  
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For: **COMBINED LITHOGRAPHIC/** §  
      **FLEXOGRAPHIC PRINTING** §  
      **APPARATUS AND PROCESS** §

DECLARATION AND POWER OF ATTORNEY

TO: The Honorable Commissioner of  
      Patents and Trademarks  
      Washington, D.C. 20231

SIR:

The undersigned Applicant for Reissue (which may hereinafter be referred to as "Williamson") is an Texas corporation having a mailing address of 6700 Denton Drive, Dallas, Texas 75235-4497, which owns the entire right, title and interest in U.S. Patent 5,630,363. Assignee came into possession of the entire right, title and interest in U.S. Patent 5,630,363 via an assignment from the inventors, Bill L. Davis and Jesse S. Williamson, on or about September 18, 1995, during the prosecution of the application leading to the '363 patent. Attached hereto is a true copy of the last assignment of record recorded in the PTO at Reel 7963, Frame 0457.

Reissue Applicant is making available in good faith in this reissue application all material information of which it and its agents are aware, and acknowledged the duty of candor and good faith towards the Patent and Trademark Office to disclose all material prior art patents and other printed publications as set forth in 37 C.F.R. 1.56(a) (1997).

DECLARATION AND POWER OF ATTORNEY

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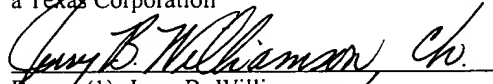
Reissue Applicant hereby appoints the following attorneys to prosecute this reexamination and to transact all business in the Patent and Trademark Office connected therewith: ROBERT HARDY FALK, Registration No. 27,877, and all other attorneys within the firm of Falk & Fish, L.L.P.

Address all telephone calls to ROBERT HARDY FALK at telephone number (214) 954-4400 and address correspondence to:

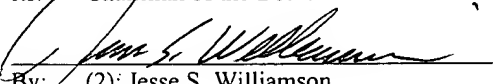
ROBERT HARDY FALK  
FALK & FISH, L.L.P.  
700 North Pearl Street, Suite 970, LB 366  
Dallas, Texas 75201

Reissue Applicant hereby declares that all statements herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

WILLIAMSON PRINTING CORPORATION,  
a Texas Corporation

  
By: (1) Jerry B. Williamson

Its: Chairman of the Board

  
By: (2) Jesse S. Williamson

Its: President

[illegible]

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**LISA S. WOOD**  
Notary Public, State of Texas  
My Commission Expires 12-27-99



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**ASSIGNEE'S OFFER TO SURRENDER U.S. PATENT 5,630,363**

TO: The Honorable Commissioner of  
      Patents and Trademarks  
      Washington, D.C. 20231

SIR:

The undersigned counsel on behalf of Assignee Williamson Printing Corporation, a Texas corporation, (which may hereinafter be referred to as "Williamson"), which possesses all right, title and interest in U.S. Patent 5,630,363, as evidenced by the assignment recorded at Reel 7963, Frame 0457, offers to surrender, pursuant to the provisions of 35 U.S.C. §252, ¶1, the original of U.S. Patent 5,630,363 upon the issue of the reissued patent upon completion of the prosecution of the instant reissue application upon allowance and completion of the prosecution of the instant reissue application. It is acknowledged that said reissued patent shall have the same effect in the operation of the law, on the trial of actions for causes thereafter arising, as if the same had been originally granted in such amended form, but insofar as the claims of the original and reissued patents are identical, such surrender shall not effect any action then pending nor any cause of action then existing, and

**ASSIGNEE'S OFFER TO SURRENDER U.S. PATENT 5,630,363**

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the reissued patent, to the extent that its claims are identical with the original patent, shall constitute a continuation thereof and have effect continuously from the date of the original patent. Assignee also acknowledges intervening rights of others pursuant to 35 U.S.C. §252, ¶2.

Respectfully submitted,



Robert Hardy Falk  
Registration No. 27,877  
FALK & FISH, L.L.P.  
700 North Pearl Street, Suite 970  
Dallas, Texas 75201  
Telephone: (214) 954-4400  
Facsimile: (214) 969-5941

ATTORNEYS FOR APPLICANT  
WILLIAMSON PRINTING CORPORATION,  
a Texas Corporation

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**ASSENT OF ASSIGNEE FOR REISSUE OF U.S. PATENT 5,630,363**

TO: The Honorable Commissioner of  
      Patents and Trademarks  
      Washington, D.C. 20231

SIR:

Pursuant to 37 C.F.R. §1.172(a), the present assignee and owner of U.S. Patent 5,630,363 hereby gives its approval and consent to the filing of this Reissue Application. It acknowledges that once this Reissue Application is filed, the process of reissue is started and must continue until a conclusion is reached by allowance or abandonment. It is requested that pursuant to 37 C.F.R. §1.172(b) that a reissue patent be granted to patentees Bill L. Davis and Jesse S. Williamson and their assignee Williamson Printing Corporation. The owner acknowledges its duty to disclose to the Patent and Trademark Office "material" patents and printed publications and other material information within the meaning of 37 C.F.R. §1.56(a) and that information is "material" where there is a substantial likelihood that a reasonable examiner would consider its important in deciding whether to allow the reissue application to be granted as a reissue patent.

**ASSENT OF ASSIGNEE FOR REISSUE OF U.S. PATENT 5,630,363**

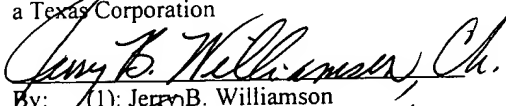
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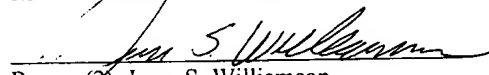
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The invention disclosed and claimed and the discovery now claimed in the patent to be reissued was a joint invention of Bill L. Davis and Jesse S. Williamson. They originally assigned rights in Serial No. 08/515,097 to Williamson Printing Corporation or "Williamson." See Reel 7763, Frame 0457. Williamson now owns all right, title and interest in U.S. Patent 5,630,363.

The undersigned declares that all statements made herein are true or believed to be true to the best of my knowledge and belief; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize this reissue application or the effect of any reissue patent issuing therefrom.

WILLIAMSON PRINTING CORPORATION,  
a Texas Corporation

  
By: (1) Jerry B. Williamson  
Its: Chairman of the Board

  
By: (2) Jesse S. Williamson  
Its: President

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STATE OF TEXAS       )  
                                  )  
COUNTY OF DALLAS    )

Before me on this 20th day of May, 1999, personally appeared (1) Jerry B. Williamson, to me personally known to be the Chairman of Williamson Printing Corporation, and (2) Jesse S. Williamson, to me personally known to be the President of Williamson Printing Corporation, and each of whom executed the above instrument, and acknowledged to me that he executed the same of his own free will and for the purposes therein set forth.

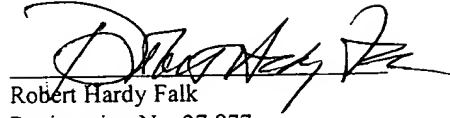
Lisa S. Wood  
Notary Public

My Commission Expires: 12/27/99





Respectfully submitted,



Robert Hardy Falk

Registration No. 27,877

FALK & FISH, L.L.P.

A Texas Limited Liability Partnership

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